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Petitioner,

O R D E R

Judge Christopher A. Boyko

Respondent.

Therefore, Magistrate Judge Vecchiarelli's report and recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt. # 1) is **DENIED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 01/10/2008



CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

FILED

JAN 10 2008

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND